

REMARKS

Applicant thanks the Examiner for indicating that claims 18-20 are allowed.

**I. Introduction**

Claims 1-3, 5-9, 11-12, 14-15, and 17-20 are pending in the application.

Claims 1-3, 5-9, 11-12, 14-15, and 17-20 stand rejected under 35 U.S.C. §101 as being drawn to non-statutory subject matter.

Claims 1-3, 14-15 and 17 stand rejected under 35 U.S.C. §112 ¶2.

Claims 1, 5, 7, 11, 14, 17, 18 and 19 are the independent claims.

**II. Amendments**

Claims 4, 10, 13 and 16 have been canceled without prejudice or disclaimer.

Claims 1, 5, 7, 11 and 14 have been amended as suggested by the Office action to recite a computer in the body of the claims. Claim 3 has been amended to more particularly and distinctly recite that which applicant regards as the invention therein. Claim 7 has been further amended to correct an informality pointed out by the Office action.

No new matter has been added.

**III. Rejections Under 35 U.S.C. §101**

Claims 1-3, 5-9, 11-12, 14-15 and 17 stand rejected under 35 U.S.C. §101 as allegedly being drawn to non-statutory subject matter for allegedly failing to “recite any technology in the body of the claims” (underlining in original). Office action, page 3. Applicants believe that the amendments render the rejection moot.

#### **IV. Rejections Under 35 U.S.C. §112 ¶2**

Claims 1-3, 14-15 and 17 stand rejected under 35 U.S.C. §112 ¶2. The Office action asserts that these claims are indefinite for failing to establish “a nexus between producing a combination of price risk instruments and how the commodity is reduced.” Office action, page 3. However, claims 1, 14 and 17 do not claim reducing the commodity. Rather, the risk associated with “an effect of the congestion prices for the congestible lines on the locational prices of the commodity” is reduced. In this manner a price risk instrument is produced with a lower level of risk. See at least page 16, lines 1-5. In other words, the phrase “is reduced” at the end of claim 1 does not relate to “the commodity”, but rather to the entire prepositional object “of the congestion prices for the congestible lines on the locational prices of the commodity.” Claim 17 has the same phrase as claim 1. Claim 14 uses different phraseology. In claim 14, it is the effect of the congestion prices for congestible lines on the locational prices of the commodity that is eliminated in producing the price risk instruments.

Accordingly, claims 1-3, 14-15 and 17 are believed to be sufficiently definite within the meaning of 35 U.S.C. § 112, ¶ 2. However, to the extent that the Examiner still has concerns, the Examiner is invited to contact the undersigned to address the concerns.

#### **V. Conclusion**

Having fully and completely responded to the Office Action, Applicants submit that all of the claims are now in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's

amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

A handwritten signature in black ink, appearing to read "L T Cullen", is written over the printed name.

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**Date: November 29, 2004**